

SENATE BILL NO. 140

INTRODUCED BY J. WELLS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA LIBRARY RECORDS CONFIDENTIALITY ACT TO ALLOW THE PARENT OR LEGAL GUARDIAN OF A CHILD TO REQUEST AND RECEIVE THE CHILD'S LIBRARY INFORMATION FROM A PUBLIC LIBRARY; AND AMENDING SECTION 22-1-1103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 22-1-1103, MCA, is amended to read:

"22-1-1103. Nondisclosure of library records -- legislative findings. (1) ~~No~~ A person may not release or disclose a library record or portion of a library record to any person except in response to:

(a) a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library;

(b) a written request of the parent or legal guardian of an individual who is less than 18 years of age identified in that record, according to procedures and forms giving written consent as determined by the library; or

~~(b)(c)~~ (c) an order issued by a court of competent jurisdiction, upon a finding that the disclosure of ~~such the~~ record is necessary because the merits of public disclosure clearly exceed the demand for individual privacy.

(2) A library is not prevented from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation if those reports are presented so that no individual is identified ~~therein~~ in the reports.

(3) Library records may be disclosed to the extent necessary to return overdue or stolen materials or collect fines.

(4) The legislature finds that there is a compelling interest in allowing parents and guardians to be primarily responsible for the materials accessed by their children or wards."

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